

Serial No. 10/809,278
Amendment and Response to
Office Action mailed March 9, 2007
Response filed September 10, 2007

Filed: March 25, 2004

REMARKS

Claims 43-67 are pending in the present application. Claims 15-42 have been canceled without prejudice or disclaimer of the subject matter included therein. In addition, new Claims 43-67 have been added. No new matter has been added. Reconsideration of the pending Claims is respectfully requested in view of the amendments to the Claims and the following remarks.

Telephonic Interview

Applicant thanks the Examiner (Anthony S. Addy) for the courtesies extended to Applicant's attorney (Sanders N. Hillis, reg. no. 45,712) during the telephonic interview of July 24, 2007 in which Claims 15, 21, and 27 and U.S. Patent No. 5,765,170 to Morikawa were discussed. Although no agreement was reached, Examiner Addy agreed to closely review the Applicant's remarks when a response to the present office action was filed.

The 35 U.S.C. §102(b) and 35 U.S.C. §103(a) Claim Rejections

Claims 15-25, 34-39, and 42 were rejected pursuant to 35 U.S.C. §102(b) as being anticipated by US Patent No. 5,765,170 to Morikawa. (hereinafter referred to as "Morikawa"). In addition, Claims 26-33, 40 and 41 were rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over Morikawa in view of U.S. Patent Publication No. 2002/0046249 A1 to Shiigi (hereinafter "Shiigi"). Claims 15-42 were canceled rendering these rejections moot. Applicant respectfully asserts that new Claims 43-67 are patentable over the cited references since neither Morikawa nor Shiigi teach or suggest each and every limitation of Claims 43-67.

For example, Claim 43 describes receiving an email message that includes an email address of a sender and an intended recipient from an email server, wherein there are two types of email messages, determining whether said email message is a first type of email message or a second type of email message, executing a first application operable on said communication terminal to read only said first type of email message, and executing a second application operable on said communication terminal to read at least said second type of email message.

Neither Morikawa nor Shiigi teach or suggest two types of emails messages. In addition, determination of whether an email message is a first type of email message or a second type of email message as described in Claim 43 is not taught or suggested by either Morikawa or Shiigi. Moreover, Morikawa and Shiigi are silent regarding execution of a first application operable on said communication terminal to read only said first type of email message, and execution of a second application operable on said communication terminal to read at least said second type of email message.

On page 3 of the office action mailed March 9, 2007, it was asserted that “the applications software which an operator of the communication terminal uses when creating an attachment file AF or performing an editing function of an email message reads on a second email application to generate or open email messages.” Applicant respectfully traverses this assertion since Morikawa’s AF is simply a data file that can be attached to Morikawa’s heading file (HF) that forms part of the content part of an email message. (Col. 6 lines 32-43) Thus, a software application that creates an AF as described by Morikawa does not generate an email message, nor does such an application open an email message. Rather, as described by Morikawa, such an application creates and edits a datafile that can be included as an attachment in Morikawa’s email. (Col. 8 line 14 and line 58) Morikawa describes only one email related application, which is a

single electronic mail terminal utility (5). Morikawa further describes that utility (5) is an application program capable of processing signals concerned with mail services. (Col. 6 lines 12-15) Morikawa clearly describes that it is only the utility (5) that receives and processes mail, including analysis of an attachment file (AF) in order to facilitate later processing with an application. (Col. 8 lines 1-8) Those skilled in the art recognize that an attachment such as the AF described by Morikawa is not a first type of email message or a second type of email message as described in Claim 43.

In another example, Claim 53 describes a control unit operable in a communication terminal and configured to receive an email message from an email server that includes an email address of a sender and an intended recipient, wherein there are two types of email messages. Claim 53 also describes that said control unit is further configured to determine whether said email message is a first type of email message or a second type of email message that is different from said first type of email message. In addition, Claim 53 describes that said control unit is further configured to execute a first application operable on said communication terminal to read only said first type of email message; and said control unit is further configured to execute a second application operable on said communication terminal to read at least said second type of email message.

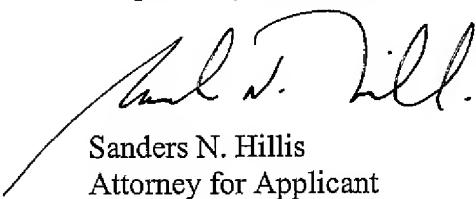
None of the cited references teach or suggest two types of email messages, or a control unit configured to determine whether an email message that includes an email address of a sender and an intended recipient is a first type of email message or a second type of email message. Moreover, neither Morikawa nor Shiigi teach or suggest a control unit configured to execute a first application or a second application as described in Claim 53.

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For at least the foregoing reasons, independent Claims 43 and 53 and the claims dependent therefrom are patentable over Morikawa and Shiigi, either alone or in combination. Accordingly, with this amendment and remarks, Claims 43-67 are allowable, and Applicant respectfully requests the issuance of a Notice of Allowance for this application. Should the Examiner deem a telephone conference to be beneficial in expediting allowance/examination of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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